



Federal Communications Commission  
Washington, D.C. 20554

**March 12, 2007**

**DA 07-1200**

In Reply Refer to:

1800B3-SS

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Ms. Andrea Grover  
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Mr. Kevin Murray  
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Idaho Falls, ID 83404

The Hon. Bruce Newcomb  
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P.O. Box 83720  
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In re: KID(AM), Idaho Falls, Idaho  
Citicasters Licenses, L.P.  
Facility ID No. 22194  
File No. BR-20050601CLK

Application for Renewal of License

**Informal Objections**

Dear Objectors and Counsel:

This letter refers to the above-noted application filed on June 1, 2005, by Citicasters Licenses, L.P., a wholly-owned subsidiary of Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), for renewal of license for Station KID(AM), Idaho Falls, Idaho. In June and July of 2005, Mr. and Ms. Grover, Mr. Murray, and Mr. Newcomb (collectively, the "Objectors") filed Informal Objections to the application concerning the airing of material by KID(AM) that they consider to be objectionable. For the reasons set forth below, we deny the Informal Objections and grant the KID(AM) license renewal application.

**Discussion.** In evaluating an application for license renewal, the Commission’s decision is governed by Section 309(k)(1) of the Communications Act of 1934, as amended (the “Act”). That section provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Commission’s Rules (the “Rules”); and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.<sup>1</sup> If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”<sup>2</sup>

The programming that is the subject of the Informal Objections was aired by KID(AM) in 2005 during the program “Trish and Holly.” One objector alleges that she was personally “attacked” by the hosts of this program due to an editorial she wrote in a local newspaper criticizing President Bush’s 2005 inauguration.<sup>3</sup> Another contends that these hosts “are trying to hoist their narrow-minded, everything-bashing, psycho-conservative garbage on the airway.”<sup>4</sup> Another believes that Trish and Holly are going “overboard” in their views.<sup>5</sup> Finally, an objector complains that Trish and Holly “crossed the line” when they criticized the parenting of two state legislators whose sons had died.

The role of the Commission in overseeing program content is limited. The First Amendment to the United States Constitution and Section 326 of the Act, prohibit the Commission from censoring program material or interfering with broadcasters’ free speech rights. The Commission does regulate broadcast content where federal statutes direct it to do so. For example, the Commission enforces the statutory prohibition on the broadcast of obscene, indecent and profane material contained in the United States Criminal Code.<sup>6</sup> However, because neither the First Amendment, the Act, nor the Commission’s Rules authorize the Commission to do so, the Commission may not regulate the type of material about which the objectors have complained. Accordingly, we deny the Informal Objections.

**Conclusion/Actions.** We have evaluated the KID(AM) license renewal application pursuant to Section 309(k) of the Act,<sup>7</sup> and we find that the station has served the public interest, convenience, and

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<sup>1</sup> 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). *See Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

<sup>2</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

<sup>3</sup> *See* Informal Objection filed on June 1, 2005, by Andrea Grover. The Commission repealed the former “personal attack rule,” Section 73.1920, five years before the broadcast of the program in question. *See Repeal or Modification of the Personal Attack and Political Editorial Rules*, Order, 15 FCC Rcd 20697 (2000). Accordingly, we will not address this matter further.

<sup>4</sup> *See* Informal Objection filed on June 1, 2005, by Seth Grover.

<sup>5</sup> *See* Informal Objection filed on July 20, 2005, by Kevin Murray.

<sup>6</sup> *See* 18 U.S.C. § 1464.

<sup>7</sup> 47 U.S.C § 309(k).

necessity during the subject license term; there have been no serious violations of the Act or the Rules; and there have been no other violations which, taken together, constitute a pattern of abuse.

In light of the above discussion, and pursuant to Section 309(k) of the Act, and Sections 0.61 and 0.283 of the Rules,<sup>8</sup> the Informal Objections filed on June 1, June 21, and July 20, 2005, ARE DENIED, and the application (File No. BR-20050601CLK) of Citicasters Licenses, L.P., to renew the license for Station KID(AM), Idaho Falls, Idaho, IS GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Citicasters Licenses, L.P.

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<sup>8</sup> 47 U.S.C. § 309(k); 47 C.F.R. §§ 0.61, 0.283.